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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,426	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.732	5220
25883	7590	12/30/2003		
HOWISON & ARNOTT, L.L.P P.O. BOX 741715 DALLAS, TX 75374-1715			EXAMINER BROWN, TIMOTHY M	
			ART UNIT 1648	PAPER NUMBER

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/382,426

Applicant(s)

PHILYAW ET AL.

Examiner

Tim Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This Final Office Action is responsive to Applicants' amendment October 6, 2003. Claims 1-27 are rejected for the reasons discussed below.

#### ***Response to Arguments***

2. Applicants' arguments have been fully considered but they are not persuasive.

Applicants argue the rejection of the claims as being obvious over *Reber et al.* ("Reber") in view of *Light et al.* ("Light") is improper. Applicants note that Reber fails to teach presenting a form to a user, and subsequently populating the form with data that is gathered by scanning a bar code (p. 7, lines 18-20).

Applicant's further note that the Examiner's reliance upon Light for teaching this feature is improper inasmuch as Light does not populate the form with data from the bar code (p. 7, lines 23-26). Thus, Applicants reason that Reber and Light cannot be combined to teach a bar code, that when scanned, triggers an operation that populates a form with data from the bar code.

The Examiner respectfully submits the combination of Reber and Light to arrive at Applicants' invention is proper. First, the Examiner notes Applicants' invention does not necessarily require the form to be presented to the user as a prompt for scanning a bar code. For example, lines 12-13 of claim 1 only provide that the on-line transaction "requires the user to view a vendor payment form at the user location . . . ." There are no claim limitations which require the payment form to be displayed prior to receiving the bar code data. Second, Light's disclosure suggests combining its teachings with Reber to achieve Applicants'

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invention. Light teaches a form population process that is triggered in response to a user activating a key, mouse, or "similar activation mechanism." (See col. 5, lines 45-49). Furthermore, Reber teaches triggering a transaction by having a user scan a bar code (see Fig. 9, char. 160; and col. 3, lines 4-5). Thus, Reber's bar code scanner could obviously be employed as an alternative mechanism for triggering the form population process. Therefore, combining Reber and Light to arrive at Applicants' invention is proper.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**4. Claims 1-6, 13-19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (US 5,930,767), Light et al. (US 6,192,380) and Official Notice.**

Regarding claims 1 and 14, Reber et al. teach a method and system of processing profile information of a user for conducting an on-line transaction wherein the system provides the method comprising the steps of: entering profile information of a user into a computer at a user location disposed on a network (col. 1, lines 36-45); issuing a bar code in response to the user transmitting the profile information from the user location to a second location, the second location disposed on the network (col. 2, lines 24-30; and col. 4, lines 14-27); providing to the vendor location by the user the bar code for purchase of a product of a vendor location disposed on the network, during the on-line transaction (col. 2, lines 24-30; col. 3, lines 57-59; and col. 5, lines 4-15); and

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providing the profile information from the second location to the vendor location in response to the vendor location processing the bar code (col. 5, lines 4-32).

Reber et al. do not expressly teach "automatically inserting the stored profile information into a vendor payment form for presentation to the user at the user location." However, Light et al. teach a method for automatically populating a form wherein a user is provided with the opportunity to approve the form after it has been populated (col. 6, lines 43-50). At the time of Applicants' invention, it would have been obvious to modify Reber et al. to include "automatically inserting the profile information into a vendor payment form for presentation to the user at the user location" in order to provide the user with the opportunity to update relevant transaction information.

Reber et al. do not specifically teach having the user enter profile information into a form. However, the examiner takes Official Notice that using a form to collect user information over the Internet was notoriously well-known in the Internet commerce art at the time of the applicant's invention. Therefore, it would have been obvious to one having ordinary skill in the Internet commerce art, to combine the teachings of Reber et al., to include the use of a form in order to provide a formatted questionnaire that is directed at obtaining specific information.

The combination of Reber et al. and Official Notice do not expressly teach "providing the bar code for purchase of a product of a vendor location disposed on the network, during the online transaction, *which on-line transaction requires*

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*the user to view a vendor payment for representing information about the transaction, and which vendor payment form includes fields that are associated with information obtainable from the profile information of the user and which must be viewed by the user prior to completion of the online transaction."*

However, Light et al. teach a method and apparatus for automatic web form fill-in. According to Light et al., user data is collected from a database and automatically inserted into an online form (Abstract; col. 1, lines 45-46; col. 3, lines 47-65; and col. 4, lines 1-25). The form is then presented to the user in order to allow the user to fill in any blanks (col. 4, lines 15-24). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Reber et al. and Official Notice to include requiring the user to view a vendor payment form as recited in claim 1. This combination would allow Reber et al. to collect other information required for the completion of an online transaction. For example, a user may want to indicate a particular mode of shipping or a different delivery address.

Reber et al. and Official Notice do not expressly teach "entering into a profile form at a user location disposed on a network prior to conduction of an online transaction between the user and the vendor, the vendor disposed at a vendor location on the network." However, Light et al. teach presenting to a user, over a communication network, a form for collecting user information including the user's name, address and credit information (col. 3, lines 43-51). At the time of Applicants' invention, it would have been obvious to modify Reber et al. and Official Notice to include "entering into a profile form at a user location

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disposed on a network prior to conduction of an online transaction between the user and the vendor, the vendor disposed at a vendor location on the network" as taught by Light. This combination would provide a means for issuing Reber's bar code device 40 to a user disposed at a remote location.

Regarding claims 2 and 5, Reber et al. further teach a method and system wherein the user fills in the form only one time (col. 1, lines 36-45).

Regarding claims 3 and 16, Reber et al. teach all the limitations discussed under claims 1 and 14 above. Reber et al. also teach a method and system wherein the user profile information is transmitted to the second location over a public switched telephone network. Reber et al. et al. do not specifically teach the use of a form for transmitting the user profile information. However, the examiner takes Official Notice that, at the time of the applicant's invention, the use of a form was well-known in the Internet Commerce art as discussed under claims 1 and 14 above.

Regarding claims 4 and 17, Reber et al. further teach a method and system wherein the vendor location receives the profile information from the second location in response to the vendor location transmitting the bar code to the second location (col. 5, lines 4-32).

Regarding claims 5 and 18, Reber et al. further teach a method and system wherein the bar code is unique and has a unique ID number associated therewith (col. 1, lines 36-45; col. 2, lines 24-32; and col. 4, lines 14-20).

Regarding claims 6 and 19, Reber et al. further teach a method and system wherein the user provides the unique ID number to the vendor location for payment purposes (col. 1, lines 36-45).

Regarding claims 13 and 26, Reber et al. further teach a method and system wherein the bar code is placed on a credit card (col. 6, lines 41-67; col. 7, lines 1-18; and Fig. 2).

**5. Claims 7-9 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (US 5,930,767) in view of Wong et al. (US 5,956,699).**

Regarding claims 7 and 20, Reber et al. teach all the limitations discussed under claims 1 and 14 above. Reber et al. do not specifically teach a method or system wherein automatically inserting the profile information into a vendor payment form causes all the profile information to be entered as encoded information. However, Wong et al. teach having a user encrypt his personal information, including name, address, telephone and credit card numbers before transmitting them through the Internet (col. 3, lines 38-62). Therefore, at the time of the applicant's invention, it would have been obvious to one having ordinary skill in the Internet Commerce art, to modify the teachings of Reber et al. to include the use or encryption as taught by Wong et al., in order to prevent the unauthorized use of the user's personal information.

Regarding claims 8 and 21, Reber et al. teach all the limitations discussed under claims 1 and 14 above. Reber et al. do not specifically teach a method or system wherein automatically inserting the profile information into a vendor



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payment form causes only a portion of the profile information to be entered into the vendor payment form as encoded information. However, Wong et al. teach that a user may encrypt only his vital personal information (col. 3, lines 38-62). Therefore, at the time of the applicant's invention, it would have been obvious to one having ordinary skill in the Internet Commerce art, to modify the teachings of Reber et al. to include the teachings of Wong et al. because limiting the use of encryption would decrease the amount of processing required to decode the user's profile information. Consequently, limiting the use of encryption would decrease the overall time required to process the user's profile information.

Regarding claims 9 and 22, Reber et al. teach all the limitations discussed under claims 8 and 20 above. Reber et al. do not specifically teach a method or system wherein the portion of encoded profile information is credit information. However, Wong et al. teach that a user may elect to encrypt his credit card number (col. 3, lines 38-62). Therefore, at the time of the applicant's invention, it would have been obvious to one of ordinary skill in the Internet commerce art, to modify the teachings of Reber et al. to include the teachings of Wong et al. because encrypting only the user's credit information would limit the amount of processing required to decode the user's profile information. Thus, by reducing the amount of processing required to decode the user's profile information, the overall time required to process the user's profile information is reduced.

**6. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (US 5,930,767) in view of Green et al. (US 5,664,110).**

Reber et al. teach all the limitations discussed under claims 1 and 14 above. Reber et al. do not specifically teach a method or system wherein the user profile information comprises name, address, ship-to address and credit information. However, Green et al. teach providing a remote vendor with the user's name, address, account information, delivery preference and consumer profile information (col. 5, lines 22-42). Therefore, at the time of the applicant's invention, it would have been obvious to one having ordinary skill in the Internet commerce art, to modify the teachings of Reber et al., to include the teachings of Green et al. because providing a remote vendor with the user's name, address, account information, delivery preference and consumer profile information would eliminate the need for the user to submit this information every time he placed an order with the vendor. This would be particularly advantageous in cases where the user submits multiple orders to the vendor.

**7. Claims 11, 12, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (US 5,930,767) in view of Gardenswartz et al. (US 6,055,573).**

Regarding claims 11 and 24, Reber et al. teach all the limitations discussed under claims 1 and 14 above. Reber et al. inherently teach a database of profile information associated with unique bar codes. Reber et al. disclose that a user is identified by having the system read a unique bar code (col. 3, lines 56-67; and col. 4, lines 1-4). The system in Reber et al. must store identifying information that is associated with the unique bar code in order for a

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user to be identified by bar code. Therefore, a database of profile information associated with unique bar codes is inherent to the teachings of Reber et al.

Further regarding claims 11 and 24, Reber et al. do not specifically teach a method or system *wherein the second location is a central registration server* having a database of profile information associated with respective unique bar codes and unique ID numbers. However, Gardenswartz et al. teach a remotely-located registration server programmed to receive, store and/or transmit various types of information, including identifying information (col. 6, lines 54-62; and Fig. 1). The database is inherent to the teachings of Gardenswartz et al. because the registration server is programmed for the storage of information (Id.). At the time of the applicant's invention, it would have been obvious to one having ordinary skill in the Internet Commerce art, to modify the teachings of Reber et al. to include the teachings of Gardenswartz et al. because the addition of a central registration server that is capable of storing and transmitting identifying information would provide a system wherein the user could provide his profile information to a number of vendors while submitting this information to the registration server only once.

Regarding claims 12 and 25, Reber et al. teach all the limitations discussed under claims 11 and 24 above. Reber et al. do not specifically teach a method or system wherein the second location is a credit card company server. However, the examiner takes Official Notice that, at the time of the applicant's invention, submitting a user's profile information to a credit card company server was notoriously well-known in the Internet commerce art. Therefore, at the time

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of the applicant's invention, it would have been obvious to one having ordinary skill in the Internet commerce art, to modify the teachings of Reber et al. to include submitting a user's profile information to a credit card company server because this would allow the user to electronically apply for a credit card.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Piatek (US 6,157,002) 11 February 2003, a system and method for populating a database, *or software screen* with data from two-dimensional bar codes (see Abstract; and col. 5, lines 60-61).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703)

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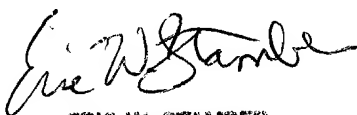
305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown  
Examiner  
Art Unit 3625

tb  
December 28, 2003

  
ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
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